



ATTENTION

Probate cases on this calendar are currently under review by the probate examiners. Review of some probate cases may not be completed and therefore have not been posted.

If your probate case has not been posted please check back again later.

Thank you for your patience.

1 Casey Stephenson (Estate)**Case No. 08CEPR00552****Atty Gin, Robert W. (for Don Wolfe and Maritza Solano-Lazar – Co-Executors/Petitioners)**

(1) First and Final Account and Report of Administration, Petition for Settlement, (2) for Allowance of Statutory Compensation to Executors and to Attorneys, (3) for Allowance of Extraordinary Fees to Executor, Donald Wolfe, and to Attorneys, and (4) for Final Distribution

DOD: 04/15/08		DONALD WOLFE , sole remaining Executor, and MARITZA SOLANO-LAZAR , Co-Executors until her resignation on 12/09/09, are Petitioners.	NEEDS/PROBLEMS/COMMENTS:
Cont. from		Account period: 09/02/08 – 07/15/13	<ol style="list-style-type: none"> Need proposed pro rata payment schedule to creditors of the estate assets remaining after payment of the costs of administration. No itemization of requested extraordinary fees has been provided. Notice of hearing to Cameron Lewis Stephenson was sent in care of Trisha Elaine Stephenson Phillips; notice mailed to a person in care of another person is insufficient pursuant to CA Rules of Court 7.51(a)(2). The proof of service on Notice of Hearing filed 02/10/14 does not indicate service on James Christensen, County Bank or Wm. Thomas Lewis, Esq., both of whom have filed a request for special notice.
<input type="checkbox"/>	Aff.Sub.Wit.	Accounting - \$2,944,606.77	
<input checked="" type="checkbox"/>	Verified	Beginning POH - \$2,789,859.19	
<input checked="" type="checkbox"/>	Inventory	Ending POH - \$177,708.25 (all cash)	
<input checked="" type="checkbox"/>	PTC		
<input checked="" type="checkbox"/>	Not.Cred.	Executors - \$30,937.56	
<input checked="" type="checkbox"/>	Notice of Hrg	(statutory, to be split 15% or \$4,640.63 to Maritza Solano Lazar and 82% or \$26,296.93 to Donald Wolfe)	
<input checked="" type="checkbox"/>	Aff.Mail	w/	
<input type="checkbox"/>	Aff.Pub.		
<input type="checkbox"/>	Sp.Ntc.	Executor x/o - \$8,525.00 (to Donald Wolfe for sales of real property, sales of personal property (vehicles), travel expenses related to sales of property, liquidation of assets, etc.)	
<input type="checkbox"/>	Pers.Serv.		
<input type="checkbox"/>	Conf. Screen		
<input type="checkbox"/>	Letters	09/05/08	
<input type="checkbox"/>	Duties/Supp	Attorney - \$30,937.56	
<input type="checkbox"/>	Objections	(statutory, to be split 14% or \$4,558.00 to Kevin Gunner and 86% or \$26,379.56 to Griswold, LaSalle, Cobb, Dowd & Gin)	
<input type="checkbox"/>	Video Receipt		
<input type="checkbox"/>	CI Report	Attorney x/o - \$21,771.90 (for work related to petition to determine heirship and family allowance request, work determining ownership of a BMW and Rolex watch, tax preparation, petitions relating to whether the estate was the owner of real property, sales/short sales/foreclosures of real property, sales of a boat and vehicles, sale of jewelry owned by decedent)	
<input checked="" type="checkbox"/>	9202		
<input checked="" type="checkbox"/>	Order		
<input type="checkbox"/>	Aff. Posting		
<input type="checkbox"/>	Status Rpt		
<input type="checkbox"/>	UCCJEA		
<input type="checkbox"/>	Citation		
<input checked="" type="checkbox"/>	FTB Notice	Costs - \$3,422.11 (copy charges, online research, mail charges, certified copies, service of process – Petitioner states that more than 17 creditor's and interested parties required notice)	
Continued on Page 2			

Reviewed by: JF**Reviewed on:** 03/07/14**Updates:****Recommendation:****File 1 – Stephenson**

Closing Reserve - **\$15,000.00**

Outstanding Creditor's Claims- **\$8,935.629.38**

Declaration of Don Wolfe filed 02/28/14 states that the estate incurred an additional expense in the amount of \$6,445.00 after the filing of this Petition for the preparation of Federal Estate Tax Returns, this amount was paid by the estate. Therefore the remaining cash in the estate is \$171,263.25 rather than \$177,708.25 as reflected in the Petition.

Petitioners state that after payment of requested statutory and extraordinary attorney's fees and costs, \$60,669.12 will be available to pay the creditors of the estate on a pro rata basis to satisfy the outstanding creditor's claims, with any remaining funds to be distributed to Donald Wolfe and Maritza Solano-Lazar, Successor Co-Trustees of the Casey Stephenson Revocable Living Trust.

(1) Second and Final Report of Joshua David Leong, Administrator on Waiver of Account and (2) Petition for Allowance of Compensation to Attorney for Ordinary Services and (3) for Final Distribution

DOD: 2-3-12		JOSHUA DAVID LEONG , Son and Administrator with Full IAEA without bond, is Petitioner. Final accounting is waived. I&A: \$156,997.00 POH: \$152,332.84 (\$12,332.84 cash plus real property located at 4431 N. Teilman) Administrator (Statutory): Waived Attorney (Statutory): \$6,070.27 Costs: \$750.00 (not itemized, not included in the proposed order) Closing: \$1,000.00	NEEDS/PROBLEMS/COMMENTS: 1. Need consent to distribution of real property in undivided interests from <u>all distributees</u> pursuant to Local Rule 7.12.4. 2. Attorney fee base appears to still be incorrect. See Examiner's explanation on Page 2. 3. Petitioner originally requested \$750.00 in reimbursement for costs. Examiner Notes requested itemization pursuant to Local Rule 7.17. This Amendment does not provide any itemization of the costs, and only states that \$750.00 was paid to the attorney for costs, which is not sufficient. However, although the prayer requests reimbursement, it does not appear to be included in the order or the calculation of distribution to the four heirs. Therefore, <u>if</u> reimbursement of \$750.00 in costs is requested, need itemization, and also need recalculation of distribution and revised order. <p style="text-align: center;"><u>SEE PAGE 2</u></p>
Cont. from 021814			
Aff.Sub.Wit.			
✓ Verified			
✓ Inventory			
✓ PTC			
✓ Not.Cred.			
Notice of Hrg	Waived		
Aff.Mail			
Aff.Pub.			
Sp.Ntc.		Distribution pursuant to intestate succession: Joshua David Leong: \$1,315.64 cash plus a 25% undivided interest as tenant in common in the real property Isaac Paul Leong: \$1,315.64 cash plus a 25% undivided interest as tenant in common in the real property Joel James Leong: \$1,315.64 cash plus a 25% undivided interest as tenant in common in the real property Benjamin Thomas Leong: \$1,315.64 cash plus a 25% undivided interest as tenant in common in the real property	
Pers.Serv.			
Conf. Screen			
✓ Letters	6-14-12		
Duties/Supp			
Objections			
Video Receipt			
CI Report			
✓ 9202			
✓ Order			
Aff. Posting		Reviewed by: skc Reviewed on: 2-10-14 Updates: Recommendation: File 2 – Leong	
Status Rpt			
UCCJEA			
Citation			
✓ FTB Notice			

Page 2

Note re Proposed Order: It was previously noted that the estate obtained a \$33,000.00 loan in order to keep the real property, and Examiner Notes noted that borrowing on behalf of the estate was not authorized per §9800. Examiner Notes further noted that Petitioner requested that the Court confirm all acts and proceedings, but that the Court may strike any such language from the order based on this action.

Examiner notes that at this time, the Amendment continues to request such confirmation of acts in the prayer; however, the order does not include the language.

Note re Attorney Fee Base:

The attorney provides the following fee base:

+ I&A \$156,997.00
+ Receipts \$14,742.86 (*unclear where this figure came from*)
+ Gains \$1,472.38
- Losses \$2,730.93
= Fee base \$169,008.93
= Fee \$6,070.27

However, these figures do not correspond to the schedules provided in the "Amendment" document. According to the schedules in the "Amendment" document, the fee base would be as follows:

+ I&A \$156,997.00
+ Receipts \$4,072.86 (???)
+ Gains \$28.41 (???)
- Losses \$2,450.00 (???)
= Fee base \$156,848.27
= Fee \$5,705.45

However, the schedules in the "Amendment" document are obviously incomplete and conflict with the schedules provided concurrently in the "Ex Parte" document. This fee base is also incorrect.

Therefore, based on review of all of the schedules and figures provided in both the "Amendment" and "Ex Parte" documents together, Examiner calculates the fee base as follows:

+ I&A \$156,997.00
+ Receipts \$12,695.00 (rent \$10,670.00, principal \$25.00 + \$2,000.00 from debtor of decedent)
(*There is a \$2,047.86 discrepancy between this figure and the figure the attorney uses of \$14,742.86.*)
+ Gains \$1,472.38 (jewelry sales, Indian Sweets and Spices, unclaimed property)
- Losses \$2,730.93
= Fee base \$168,433.45
= Fee \$6,053.00

(1) First and Final Report; Petition for Approval of Account; (2) for Allowance of Attorneys' Compensation; (3) for Allowance of Costs Advanced; (4) for Final Distribution; (5) for Instructions and/or for Entitlement to Distribution

DOD: 07/13/12			SUSIE S. VERDUZCO-SAMANC , Executor, is Petitioner. Account period: 07/13/12 – 01/15/14 Accounting - \$487,036.68 Beginning POH - \$455,800.00 Ending POH - \$285,800.00 (no cash) Executor - waived Attorney - \$12,720.73 (statutory) Attorney x/o - \$1,000.00 (for work done in relation to a short sale on an estate property) Costs - \$2,570.55 (filing fees, publication, certified copies, service of process) Petitioner states that decedent's will devises \$5,000.00 in stock in a Mexican business each to his three sisters. Petitioner states that the business is very small and is worth less than \$10,000.00. The stock in the company was not included in the inventory & appraisal because the petitioner never acquired possession of any stock. The business in question is not incorporated and there is no "stock". The business does not generate sufficient income to pay income to any person with an ownership interest that does not work in the business. Petitioner's attorney has been advised by an attorney in San Diego that it is likely to cost more than \$10,000.00 to secure the interest for the estate. Because the interest is of little value compared to the cost of collecting it, Petitioner requests an instruction of this court that she may forgo any proceeding in Mexico to acquire possession of the interest. Continued on Page 2	NEEDS/PROBLEMS/COMMENTS:
Cont. from				
	Aff.Sub.Wit.			
✓	Verified			
✓	Inventory			
✓	PTC			
✓	Not.Cred.			
✓	Notice of Hrg			
✓	Aff.Mail	w/		
	Aff.Pub.			
	Sp.Ntc.			
	Pers.Serv.			
	Conf. Screen			
	Letters	11/16/12		
	Duties/Supp			
	Objections			
	Video Receipt			
	CI Report			
✓	9202			
✓	Order			
	Aff. Posting			
	Status Rpt			
	UCCJEA			
	Citation			
✓	FTB Notice			
			Reviewed by: JF	
			Reviewed on: 03/06/14	
			Updates:	
			Recommendation:	
			File 3 – Verduzco	

Petitioner states that decedent's will states that the New York Life Insurance Policy, the IRAs and the Teacher's Retirement are to be divided equally between Petitioner and Joaquin S. Verduzco. The will further directs that the following amounts are to be subtracted "from this amount:" Funeral Expenses, \$2,000.00 to Juanita S. Verduzco, \$1,000.00 to Carmen Perez and \$1,000.00 to Martha Wong. Petitioner and Joaquin Verduzco were the named beneficiaries of the insurance, IRA and retirement benefit. Petitioner seeks an instruction and order that neither Juanita S. Verduzco, Carmen Perez, nor Martha Wong are entitled to a distribution from the estate from those assets. Because such assets are not part of the estate Petitioner asserts that the direction in the will to pay bequests from those assets is ineffectual and unenforceable. Petitioner seeks an instruction that the estate has no such obligation and/or that said persons are not entitled to a distribution of the bequests.

Distribution, pursuant to decedent's will, is to:

Joaquin S. Verduzco - 100% interest in 2002 Toyota Tacoma pickup, 100% interest in residence on Grant Avenue in Fresno, 100% interest in refrigerator, washer and dryer, 50% undivided interest in all personal property not specifically devised; \$15,000.00 (to be paid from any property not known or discovered), and 50% undivided interest in any other property not now known discovered

Susie S. Verduzco-Samanc - 100% interest in residence on E. Rancho Drive in Fresno, 100% interest in outdoor patio chair and table furniture, outdoor kitchen, spa, china cabinet, table and chairs, 50% undivided interest in all personal property not specifically devised, and 50% undivided interest in any other property not now known discovered (after payment of \$15,000.00 to Joaquin S. Verduzco from such property)

In addition to the above distribution, Petitioner prays for an Order:

1. That the Court excuse Petitioner from conducting a proceeding in Mexico to obtain the business interest of Petitioner's in Mexico;
2. That the Court instruct Petitioner that she has no obligation to distribute specific cash gifts to Juanita S. Verduzco, Carmen Perez nor Martha Wong;
3. That the Court order that the first \$15,000.00 of any property of the estate not now known or discovered that may belong to the estate or in which the decedent of the estate may have any interest be distributed to Joaquin S. Verduzco and afterwards equally to Susie S. Verduzco-Samanc and to Joaquin S. Verduzco; and
4. That the court order that any unpaid fees be a lien on the properties distributed to the beneficiaries.

4 Betty Jean Chrest (CONS/PE)

Case No. 12CEPR01002

Atty Marshall, Jared C (for Petitioner/Conservator of the Person Diane Rodrigues)

Atty Helon, Marvin T (Court Appointed for Conservatee)

Atty Kruthers, Heather H (for Conservator of the Estate Public Guardian)

Petition to Change Personal Residence of Conservatee

Age: 84 years		DIANE RODRIGUES , Conservator of the person, is petitioner.	NEEDS/PROBLEMS/COMMENTS:
		Petitioner states the order appointing conservator of the person included an order that the Conservatee shall not be relocated from her residence absent an order from the court following a noticed hearing. In addition, the order stated the Conservatee shall not be placed in a nursing facility absent an order from the court following a noticed hearing.	
Cont. from		Petitioner states that it has recently come to her attention that the conservatee needs to be placed into an assisted living facility for her protection and to provide for her needs. Her dementia has progressed sufficiently to interfere with her ability to perform her daily activities. She needs to be told to take her medications, and needs help cooking and cleaning her house.	
<input type="checkbox"/>	Aff.Sub.Wit.		
<input checked="" type="checkbox"/>	Verified	A copy of Physician's Report completed by Dr. Win Myint, who has been treating the Conservatee since 2001, is attached to the petition. Also attached to the Petition is a copy of a letter prepared by Markham Kirsten, M.D., who saw the conservatee on 11/7/13. The report and letter support the move of the conservatee to an assisted living facility.	
<input type="checkbox"/>	Inventory		
<input type="checkbox"/>	PTC	Petitioner requests the authority to relocate the conservatee from her current residence to Emeritus Assisted Living Facility in Vacaville, CA. The assisted living facility is located ten minutes from petitioner's residence in Vacaville.	
<input type="checkbox"/>	Not.Cred.		
<input checked="" type="checkbox"/>	Notice of Hrg		
<input checked="" type="checkbox"/>	Aff.Mail		
<input type="checkbox"/>	Aff.Pub.		
<input type="checkbox"/>	Sp.Ntc.		
<input type="checkbox"/>	Pers.Serv.		
<input type="checkbox"/>	Conf. Screen		
<input type="checkbox"/>	Letters		
<input type="checkbox"/>	Duties/Supp		
<input type="checkbox"/>	Objections		
<input type="checkbox"/>	Video Receipt		
<input type="checkbox"/>	CI Report		
<input type="checkbox"/>	9202		
<input checked="" type="checkbox"/>	Order		
<input type="checkbox"/>	Aff. Posting		
<input type="checkbox"/>	Status Rpt		
<input type="checkbox"/>	UCCJEA		
<input type="checkbox"/>	Citation		
<input type="checkbox"/>	FTB Notice		
			Reviewed by: KT
			Reviewed on: 3/10/14
			Updates:
			Recommendation:
			File 4 – Chrest

Petition for Substituted Judgment to Modify Conservatee's Revocable Survivor's Trust

		BROOKE A. CASTLE , Granddaughter and Conservator, is Petitioner.	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p><u>Note:</u> \$435 remains due from Clayton James Stott for the hearing required on the matter of his Ex Parte Application for Order Limiting Powers of Conservator as ordered per minute order on 2-5-14.</p> <p><u>Note:</u> Pursuant to Minute Order 3-5-14, Attorney Natalie Nuttall was to provide a revised order based on the outcome of the hearing. As of 3-6-14, no order has been received for signature.</p> <p><u>Note:</u> Clayton James Stott was previously represented by Attorney Paul Franco; however, pursuant to Substitution filed 2-19-14, he is now represented by Attorney Gary Motsenbocker.</p> <p>1. This petition for substituted judgment, in essence, seeks to remove the existing current trustee Clayton James Stott, from office in a trust which was previously created by the Conservatee prior to conservatorship. An action for removal would need to be brought in a separate case under applicable law and with appropriate notice. See Probate Code §§ 17200, 15642, etc. Regardless of whether substituted judgment is granted, a separate trust action must be filed and heard under applicable law.</p> <p>2. The Court may require clarification as to why substituted judgment for an entirely new trustee is preferable to the named successor trustee, Darlene Stott, if Clayton James Stott is removed.</p> <p>3. Petitioner appears to assume that this modification requires continuing jurisdiction. However, Cal. Rules of Court 7.903 applies to trusts <u>funded</u> by Court order under Probate Code §2580. This trust was already funded and the modification does not affect the assets or funding. Therefore, need clarification and authority for continuing jurisdiction.</p> <p>Please also note, again, that if this petition is granted, a separate trust action must be filed for such continuing jurisdiction. See #1 above and Local Rule 7.1.2.</p>
		Petitioner states she was appointed as Conservator of the Person and Estate of Patricia Stott on 8-15-13.	
	Aff.Sub.Wit.	Patricia Stott's immediate family consists of a sister, a daughter-in-law, adult grandchildren, and her stepson, Clayton James "Jim" Stott, who is currently the trustee of the Conservatee's revocable survivor's trust executed on 2-15-13.	
✓	Verified	Petitioner requests to modify the Conservatee's current revocable Survivor's Trust solely for the purpose of appointing a third party professional fiduciary, H.F. RICK LEAS , with Central Valley Fiduciary Services, as sole acting trustee. The Conservatee has indicated to Petitioner that in an effort to diminish any continued conflict between the trustee (Mr. Stott) and the conservator (Petitioner), she wishes to have a neutral fiduciary act as the sole trustee of her survivor's trust.	
	Inventory	Currently, Ms. Castle, as conservator of the estate, is reliant upon Mr. Stott to provide sufficient funds from the trust to the conservatorship estate in order to pay the conservatee's numerous bills and living expenses. As this Court is well aware, the parties in this matter have sought the Court's assistance on several occasions to resolve their disputes.	
	PTC	Mr. Leas is agreeable to act as trustee and is named in the proposed trust (Exhibit A). On the conservatee's death, the trustee will distribute as currently provided in the conservatee's existing estate plan. Petitioner is informed and believes that the Conservatee is in favor of the proposed action, and the proposed action would have no adverse effect on the estate.	
	Not.Cred.		
✓	Notice of Hrg		
✓	Aff.Mail	W	
	Aff.Pub.		
	Sp.Ntc.		
	Pers.Serv.		
	Conf. Screen		
✓	Letters		
	Duties/Supp		
	Objections		
	Video Receipt		
	CI Report		
	9202		
✓	Order		
	Aff. Posting		
	Status Rpt		
	UCCJEA		
	Citation		
	FTB Notice		

SEE ADDITIONAL PAGES

Reviewed by: skc

Reviewed on: 3-6-14

Updates:

Recommendation:

File 5 – Stott

Page 2

Petitioner states the Conservatee as a reasonably prudent person would indeed take the proposed action herself if not under a conservatorship. Petitioner states the Conservatee originally felt "badgered" by Mr. Stott with issues related to her financial assets, most of which are held in the trust, and therefore nominated Petitioner as her conservator. Most recently, for several months, Mr. Stott has failed to provide any funds to Ms. Castle from the trust which are necessary for Ms. Castle to pay the conservatee's bills and expenses. As such, Ms. Castle is unable to perform her duties as conservator.

As stated, the Conservatee has requested that a neutral person take over the responsibilities as trustee of her trust in order to alleviate the ongoing conflict between Mr. Stott and Ms. Castle and for the Conservatee's personal well-being and benefit.

The proposed modified trust (Exhibit A) includes the same provisions for distribution on the conservatee's death as the current trust, and becomes a trust subject to continuing jurisdiction under Cal. Rules of Court 7.903.

Petitioner requests an order:

1. **Authorizing and directing BROOK A. CASTLE, as Conservator of the person and estate of PATRICIA G. STOTT, to execute and date the modified proposed trust (entitled THE PATRICIA STOLL GREGORY STOTT REVOCABLE SURVIVOR'S TRUST ESTABLISHED PURSUATN TO COURT ORDER), attached as *Exhibit A* to this order, on behalf of PATRICIA G. STOTT, pursuant to California Probate Code Sections 2580(a)(1) and 2580(b)(11)(A); and**
2. **For such other and further relief as the Court deems proper.**

**Petition for Probate of Will and for Letters Testamentary; Authorization to
Administer Under IAEA (Prob. C. 8002, 10450)**

DOD: 09/28/2011	ESTELLA G. GARZA and RAQUEL G. NANEZ , request that ESTELA G. GARZA, RAQUEL G. NANEZ , and ROJELIA G. GONZALEZ , daughters, be appointed co-executors without bond.		NEEDS/PROBLEMS/COMMENTS: Minute Order 02/11/2014: Examiner notes are provided to Counsel. The following issues remain: 1. Original Will is attached to the petition. Pursuant to Probate Code §8200(a)(1) the original will is to be deposited with the Court and a copy of the will attached to the petition. 2. Will is not self-proving. Need proof of Subscribing Witness. 3. Need name and date of death of the decedent's spouse pursuant to Local Rule 7.1.1D. 4. Affidavit of Publication does not include IAEA language therefore the Court cannot grant IAEA authority. 5. Need proof of service of Notice of Petition to Administer Estate on Teodora Garza Garza. Note: Teodora Garza Garza was served in care of Estella Garza Garza, Trustee. Service in care of another person is insufficient pursuant to CA Rules of Court 7.51(a)(1). 6. Duties & Liabilities of Personal Representative was not signed by Rojelia G. Gonzalez. 7. Need Confidential Supplement to Duties & Liabilities of Personal Representative from Rojelia G. Gonzalez. <p align="center"><u>See additional page</u></p>
Cont. from 121013, 021114	Full IAEA - ?		
<input type="checkbox"/> Aff.Sub.Wit.	<input checked="" type="checkbox"/>		
<input checked="" type="checkbox"/> Verified			
<input type="checkbox"/> Inventory		Will dated: 09/27/2001	
<input type="checkbox"/> PTC		Residence: Parlier	
<input type="checkbox"/> Not.Cred.		Publication: The Business Journal	
<input checked="" type="checkbox"/> Notice of Hrg		Estimated value of the Estate:	
<input checked="" type="checkbox"/> Aff.Mail	<input type="checkbox"/> w/	Personal property - \$20,880.00	
<input checked="" type="checkbox"/> Aff.Pub.		Real property - \$272,907.00	
<input type="checkbox"/> Sp.Ntc.		Total - \$293,787.00	
<input type="checkbox"/> Pers.Serv.		Probate Referee: Steven Diebert	
<input type="checkbox"/> Conf. Screen			
<input checked="" type="checkbox"/> Letters			
<input checked="" type="checkbox"/> Duties/Supp			
<input type="checkbox"/> Objections			
<input type="checkbox"/> Video Receipt			
<input type="checkbox"/> CI Report			
<input type="checkbox"/> 9202			
<input checked="" type="checkbox"/> Order			
<input type="checkbox"/> Aff. Posting			
<input type="checkbox"/> Status Rpt			
<input type="checkbox"/> UCCJEA			
<input type="checkbox"/> Citation			
<input type="checkbox"/> FTB Notice			

Reviewed by: LV
Reviewed on: 03/07/2014
Updates:
Recommendation:
File 6 – Garza

8. Need Declaration from Rojelia G. Gonzalez consenting to act as personal representative.
9. #5a(3) or 5a(4) was not answered regarding domestic partner.
10. #5a(7) or 5a(8) of the Petition was not answered regarding issue of predeceased child.
11. Letters do not include each of the personal representatives' names and signatures.
12. Order does not include Rojelia G. Gonzalez.

Note: If the petition is granted status hearings will be set as follows:

- **Friday, 08/15/2014 at 9:00a.m. in Dept. 303** for the filing of the inventory and appraisal **and**
- **Friday, 05/15/2015 at 9:00a.m. in Dept. 303** for the filing of the first account and final distribution.

Pursuant to Local Rule 7.5 if the required documents are filed 10 days prior to the hearings on the matter the status hearing will come off calendar and no appearance will be required.

DOD: 03/30/2011	HELEN REED , Trustee of the Reed Family Trust, is petitioner.	NEEDS/PROBLEMS/COMMENTS:
	40 days since DOD	
Cont. from 020414	No other proceedings	Minute Order of 02/04/2014: No appearances. Counsel directed to review the examiner notes posted on the Court's website.
<input type="checkbox"/> Aff.Sub.Wit.		
<input checked="" type="checkbox"/> Verified	I&A - \$100,000.00	Copy of Minute Order mailed to Attorney Daniel T. McCloskey on 02/07/2014.
<input checked="" type="checkbox"/> Inventory	Will dated: 04/28/1997 will devises all assets to the Trustee of the Reed Revocable Living Trust, designated as the Reed Family Trust.	
<input type="checkbox"/> PTC		Note: The filing fee was initially waived for this petition; however, the fee will be due prior to distribution pursuant to Government Code §68637. (Filing fee is \$435.00.)
<input type="checkbox"/> Not.Cred.		
<input checked="" type="checkbox"/> Notice of Hrg	Petitioner requests Court determination that decedent's 100% interest in real property located at 3207 S. Cherry Fresno, Ca. pass to Reed Family Trust pursuant to decedent's will.	1. Need Order.
<input checked="" type="checkbox"/> Aff.Mail		
<input type="checkbox"/> Aff.Pub.		
<input type="checkbox"/> Sp.Ntc.		
<input type="checkbox"/> Pers.Serv.		
<input type="checkbox"/> Conf. Screen		
<input type="checkbox"/> Letters		
<input type="checkbox"/> Duties/Supp		
<input type="checkbox"/> Objections		
<input type="checkbox"/> Video Receipt		
<input type="checkbox"/> CI Report		
<input type="checkbox"/> 9202		
<input type="checkbox"/> Order	X	
<input type="checkbox"/> Aff. Posting		
<input type="checkbox"/> Status Rpt		Reviewed by: LV
<input type="checkbox"/> UCCJEA		Reviewed on: 03/07/2014
<input type="checkbox"/> Citation		Updates:
<input type="checkbox"/> FTB Notice		Recommendation:
		File 7 – Reed

DOD: 10/31/13		<p>JOYCE J. KAUFMAN, trustee, is Petitioner.</p> <p>Petitioner states:</p> <ol style="list-style-type: none"> The JAMES KAUFMAN FAMILY TRUST was created and entered into on 08/09/10 by JAMES M. KAUFMAN and JOYCE J. KAUFMAN, as Trustors and as Trustees (the "Trust"). On the same date, James M. Kaufman executed a pour-over will directing that all of his property be placed in the Trust. James M. Kaufman ("Decedent") died on 10/31/13. Before his death, Decedent and Petitioner were in the process of transferring all of their assets into the Trust. Petitioner and Decedent created the Trust and intended to transfer all of their assets into the Trust in order to avoid probate proceedings upon death. For unknown reasons, but likely due to the substantial assets held by the Kaufmans, as well as Mr. Kaufman's deteriorating health, they failed to transfer all of their personal property into the Trust prior to Mr. Kaufman's death, although they did transfer some of their personal property into the Trust. Assets owned by Decedent that were not transferred to the Trust consists of three bank accounts with a value in excess of \$1,000,000.00 (listed on exhibit "C" to the Petition). According to the terms of the Trust, upon the death of the first spouse, the trust was to distribute trust property into three separate and equal shares. Until Decedent's remaining property is placed into the trust, those shares cannot be distributed. Petitioner states that transfer of the property would be interest of decedent and would enable Petitioner to take full possession of the property and properly execute the remaining trust instructions. <p>Petitioner prays for an Order:</p> <ol style="list-style-type: none"> Instructing the Trustee that the personal property listed on Exhibit C to this Petition are assets of the JAMES KAUFMAN FAMILY TRUST; that title is vested in the Trust, and that JOYCE J. KAUFMAN, as sole Trustee of the Trust, has full powers to sell and transfer said personal property in accordance with the provisions of the Trust. 	<p>NEEDS/PROBLEMS/COMMENTS:</p> <ol style="list-style-type: none"> The copy of the Trust attached to the Petition is missing Exhibit A which the Trust states lists the property the Trustors intended to transfer to the Trust. Need evidence that the accounts requested to be confirmed as assets of the Trust were designated by the Trustors are property to be transferred to the Trust.
Cont. from			
<input type="checkbox"/>	Aff.Sub.Wit.		
<input checked="" type="checkbox"/>	Verified		
<input type="checkbox"/>	Inventory		
<input type="checkbox"/>	PTC		
<input type="checkbox"/>	Not.Cred.		
<input checked="" type="checkbox"/>	Notice of Hrg		
<input checked="" type="checkbox"/>	Aff.Mail w/o		
<input type="checkbox"/>	Aff.Pub.		
<input type="checkbox"/>	Sp.Ntc.		
<input type="checkbox"/>	Pers.Serv.		
<input type="checkbox"/>	Conf. Screen		
<input type="checkbox"/>	Letters		
<input type="checkbox"/>	Duties/Supp		
<input type="checkbox"/>	Objections		
<input type="checkbox"/>	Video Receipt		
<input type="checkbox"/>	CI Report		
<input type="checkbox"/>	9202		
<input checked="" type="checkbox"/>	Order		
<input type="checkbox"/>	Aff. Posting		
<input type="checkbox"/>	Status Rpt		
<input type="checkbox"/>	UCCJEA		
<input type="checkbox"/>	Citation		
<input type="checkbox"/>	FTB Notice		

Reviewed by: JF

Reviewed on: 03/10/14

Updates:

Recommendation:

File 8 – Kaufman

Atty LeVan, Nancy J., sole practitioner (for Jonathan Holcomb, Executor)

**Probate Status Hearing Re: Failure to File the Inventory and Appraisal and
Failure to File a First Account or Petition for Final Distribution**

DOD: 10/26/2007		JONATHAN HOLCOMB , son, was appointed Executor with Full IAEA authority without bond on 5/26/2009.	NEEDS/PROBLEMS/COMMENTS:
		Letters issued on 5/26/2009.	Continued from 1/10/2014. Minute Order states counsel informs the Court that they are proceeding with the recovery of assets turned over to the Controller.
Cont. from 011014		Pursuant to Probate Code § 8800(b) , Final Inventory and Appraisal was due 9/26/2009 .	1. Need final inventory and appraisal, and final account.
<input type="checkbox"/>	Aff.Sub.Wit.		
<input type="checkbox"/>	Verified	First account and/or petition for final distribution was due May 2010.	2. Need proof of service Status Report pursuant to the Request for Special Notice filed by the Franchise Tax Board on 7/7/2009.
<input type="checkbox"/>	Inventory		
<input type="checkbox"/>	PTC	Notice of Status Hearing filed 11/15/2013 set this status hearing on 1/10/2014 for failure to file the inventory and appraisal and first account and petition for final distribution.	Note: Creditor's Claim was filed 7/7/2009 by the Franchise Tax Board in the amount of \$481.07 .
<input type="checkbox"/>	Not.Cred.		
<input type="checkbox"/>	Notice of Hrg	Status Report filed 3/7/2014 states:	Reviewed by: LEG
<input checked="" type="checkbox"/>	Aff.Mail		
<input type="checkbox"/>	Aff.Pub.	<ul style="list-style-type: none"> An inventory and appraisal has been prepared and sent to Steven Diebert on 2/26/2014; It has not been returned as of this date [3/6/14]; It is anticipated that the value of the estate will be less than what is owed to the IRS and the Franchise Tax Board; Contact has been made to the Principal Financial Group to redeem the common shares in Decedent's name and place them in the estate; Attorney LeVan requests ~90 days to complete the redemption of shares held by the Principal Financial Group into the estate, payment of the Franchise Tax Board claim, and preparation of the Petition for final Distribution or Termination of the Estate due to lack of assets; Jonathan Holcomb has become very cooperative in providing the necessary documents to ascertain the assets in the estate and contacting the holders of the assets. 	Reviewed on: 3/10/14
<input checked="" type="checkbox"/>	Sp.Ntc.		
<input type="checkbox"/>	Pers.Serv.	CI Report	Updates:
<input type="checkbox"/>	Conf. Screen		
<input type="checkbox"/>	Letters	9202	Recommendation:
<input type="checkbox"/>	Duties/Supp		
<input type="checkbox"/>	Objections	Order	File 9 – Holcomb
<input type="checkbox"/>	Video Receipt		
<input type="checkbox"/>	Aff. Posting	Status Rpt	
<input checked="" type="checkbox"/>	UCCJEA		
<input type="checkbox"/>	Citation	FTB Notice	
<input type="checkbox"/>			

DOD: 10/22/11		WILL SCOTT, JR. , surviving spouse, was appointed successor Administrator on 02/08/13.	NEEDS/PROBLEMS/COMMENTS:
		Letters of Administration were issued on 02/08/13.	CONTINUED FROM 01/10/14 Minute Order from 01/10/14 states: Counsel advises the Court that they are having difficulty with Wells Fargo Bank. Counsel further advises that he believes this may be a no asset estate.
Cont. from 052413, 062113, 081613, 101113, 011014		Status Report filed 05/17/13 states: Counsel and the Administrator have not had time to determine what assets remain in the estate and what assets have been determined to be joint tenancy property. A continuance is requested so that counsel and the Administrator can meet to prepare the Inventory & Appraisal and forward it to the Probate Referee for appraisal and subsequent filing with the Court.	1. Need Inventory & Appraisal
<input type="checkbox"/>	Aff.Sub.Wit.		
<input type="checkbox"/>	Verified	Status Report filed 10/10/13 states: It appears that there are no assets in this estate, but they have not had time to do an Inventory & Appraisal.	
<input type="checkbox"/>	Inventory x		
<input type="checkbox"/>	PTC	Status Report filed on 12/23/13 states the Administrator has served a Subpoena for Records on Wells Fargo Bank in September regarding four bank accounts. As of this date, Wells Fargo has failed to produce the requested records. A demand for production of records pursuant to the subpoena was served on Wells Fargo on 11/20/13, and no response nor records have been received as of this date. Therefore, Administrator is unable to prepare and file and inventory and appraisal. The estate is not yet in a condition to close.	
<input type="checkbox"/>	Not.Cred.		
<input type="checkbox"/>	Notice of Hrg	Status Report filed 03/06/14 states that all assets of the estate appear to be held in joint tenancy and there will be no further action in the estate except for the discharge of the Administrator, which shall be filed in the next month.	
<input type="checkbox"/>	Aff.Mail		
<input type="checkbox"/>	Aff.Pub.		
<input type="checkbox"/>	Sp.Ntc.		
<input type="checkbox"/>	Pers.Serv.		
<input type="checkbox"/>	Conf. Screen		
<input type="checkbox"/>	Letters		
<input type="checkbox"/>	Duties/Supp		
<input type="checkbox"/>	Objections		
<input type="checkbox"/>	Video Receipt		
<input type="checkbox"/>	CI Report		
<input type="checkbox"/>	9202		
<input type="checkbox"/>	Order		
<input type="checkbox"/>	Aff. Posting		
<input type="checkbox"/>	Status Rpt		
<input type="checkbox"/>	UCCJEA		
<input type="checkbox"/>	Citation		
<input type="checkbox"/>	FTB Notice		

Reviewed by: JF

Reviewed on: 03/05/14

Updates: 03/10/14

Recommendation:

File 10A – Scott

DOD: 10-22-11		<p>WILL SCOTT, JR., son, was appointed successor Administrator with limited IAEA without bond on 02/08/13 pursuant to a Stipulation for Settlement filed 2-6-13.</p> <p>Letters of Administration were issued on 2-8-13.</p> <p>On 4-12-13, the Court sent notice of status hearings for filing of I&A on 5-24-13 and filing of first account or petition for final distribution on 10-25-13.</p> <p>Note: Inventory and Appraisal has not been filed. Status hearing for filing I&A was continued numerous times and on 10-11-13 was again continued to 1-10-14.</p> <p>Status Report filed 03/06/14 states that all assets of the estate appear to be held in joint tenancy and there will be no further action in the estate except for the discharge of the Administrator, which shall be filed in the next month.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>CONTINUED FROM 01/10/14 Minute Order from 01/10/14 states: Counsel advises the Court that they are having difficulty with Wells Fargo Bank. Counsel further advises that he believes this may be a no asset estate.</p> <p>Note re history: Michelle Scott, daughter, was originally appointed as Administrator with Will Annexed and the Will dated 6-10-11 was admitted to probate on 2-2-12.</p> <p>Will Scott Jr., filed a Will Contest. Pursuant to Stipulation for Settlement filed 2-6-13, Michelle Scott resigned and Will Scott Jr., was appointed as Successor Administrator with limited IAEA without bond.</p> <p>Letters issued 2-8-13. Upon issuance of Letters the Court set status dates for filing I&A and petition for final distribution.</p> <p>The original petition estimated personal property valued at \$150,000 and real property that was encumbered for its entire value of \$300,000.</p> <p>Creditor's claims have been filed, and partially allowed.</p> <p>The Stipulation for Settlement indicated \$57,250 held in attorney Fanucchi's trust and discussed estate assumption of liabilities on creditor's claims as well as other litigation and various releases and waivers by the parties.</p> <p>An unverified status report filed 10-10-13 in connection with the continued status hearing on filing the I&A stated that it appears there are no estate assets, but they have not had time to do an I&A.</p> <p>1. Need status of estate.</p>
Cont. from 102513, 011014			
Aff.Sub.Wit.			
Verified			
Inventory			
PTC			
Not.Cred.			
Notice of Hrg			
Aff.Mail			
Aff.Pub.			
Sp.Ntc.			
Pers.Serv.			
Conf. Screen			
Letters			
Duties/Supp			
Objections			
Video Receipt			
CI Report			
9202			
Order			
Aff. Posting			
Status Rpt			
UCCJEA			
Citation			
FTB Notice			
		<p>Reviewed by: skc/JF</p> <p>Reviewed on: 03/05/14</p> <p>Updates: 03/10/14</p> <p>Recommendation:</p> <p>File 10B – Scott</p>	

DOD: 12/25/2011	HERBERT HERNANDEZ and RICHARD HERNANDEZ , were appointed Co-Administrators, with Limited IAEA authority, on 11/8/12.	NEEDS/PROBLEMS/COMMENTS:
Cont. from 011014	The Court ordered \$50,000.00 into a blocked account.	Continued from 1/10/14. Minute order states the Court is advised that efforts are being made to resolve this matter.
Aff.Sub.Wit.		
Verified		
Inventory	Receipt for Blocked Account (\$50,000.00) filed on 12/4/12.	
PTC		
Not.Cred.		
Notice of Hrg	Final Inventory and Appraisal filed on 1/10/14 showing the estate valued at \$27,105.00	
Aff.Mail		
Aff.Pub.	Supplemental Inventory and Appraisal no. 1 filed on 1/10/14 shows property valued at \$86,279.00	
Sp.Ntc.		
Pers.Serv.		
Conf. Screen	Status Report of Gary Bagdasarian filed on 3/7/14 states a disagreement between the co-executors over the amounts of reimbursement to each of them has been resolved, and the parties are now putting together the Final Report and Account of Estate. A request is made for a continuance of 60 days (for May 14, 2014 or thereafter.)	
Letters		
Duties/Supp		
Objections		
Video Receipt		
CI Report		
9202		
Order		
Aff. Posting		Reviewed by: KT
Status Rpt		Reviewed on: 3/10/14
UCCJEA		Updates:
Citation		Recommendation:
FTB Notice		File 11 – Hernandez

13A Robert Dean Snavely, Sr. (CONS/P)

Case No. 14CEPR00078

Atty Teixeira, J. Stanley (for Bryan Snavely & Brad Snavely – sons/Petitioners)

Atty Bagdasarian, Gary G. (Court Appointed for Conservatee)

Petition for Appointment of Probate Conservator of the Person (Prob. C. 1820, 1821, 2680-2682)

Age: 82		NEEDS/PROBLEMS/COMMENTS: <u>OFF CALENDAR AMENDED PETITION FILED ON 02/28/2014 AND SET FOR 04/09/2014.</u>
Cont. from		
<input type="checkbox"/> Aff.Sub.Wit.		
<input type="checkbox"/> Verified		
<input type="checkbox"/> Inventory		
<input type="checkbox"/> PTC		
<input type="checkbox"/> Not.Cred.		
<input type="checkbox"/> Notice of Hrg		
<input type="checkbox"/> Aff.Mail		
<input type="checkbox"/> Aff.Pub.		
<input type="checkbox"/> Sp.Ntc.		
<input type="checkbox"/> Pers.Serv.		
<input type="checkbox"/> Conf. Screen		
<input type="checkbox"/> Letters		
<input type="checkbox"/> Duties/Supp		
<input type="checkbox"/> Objections		
<input type="checkbox"/> Video Receipt		
<input type="checkbox"/> CI Report		
<input type="checkbox"/> 9202		
<input type="checkbox"/> Order		
<input type="checkbox"/> Aff. Posting		
<input type="checkbox"/> Status Rpt		
<input type="checkbox"/> UCCJEA		
<input type="checkbox"/> Citation		
<input type="checkbox"/> FTB Notice		
Reviewed by: LV		
Reviewed on: 03/07/2014		
Updates:		
Recommendation:		
File 13A – Snavely		

13A

Amended Petition for Appointment of Temporary Conservator of the Person and Estate

Age: 82		TEMPORARY GRANTED EXPARTE EXPIRES 03/11/2014		NEEDS/PROBLEMS/COMMENTS:	
		<p align="center"><u>GENERAL HEARING 04/09/2011</u></p> <p>BRYAN SNAVELY and BRAD SNAVELY, sons, are Petitioners, and request appointment as Temporary Co-Conservators of the Person and Estate with bond set at \$712,848.00.</p> <p>Declaration of Don H. Gaede, M.D. filed 03/03/2014 supports request.</p> <p>Estimated value of the Estate: Personal property - \$645,400.00 Real property - \$1,500,000.00</p> <p>Petitioners state they have been informed by the proposed conservatee's primary care physician that the proposed conservatee suffers from dementia. Robert's house smells of rodent feces and urine. Food in the refrigerator and freezer is beyond expiration dates. He stores tools with sharp edges and blades in the house. Proposed conservatee cannot care for himself, prepare meals and maintain his residence in a clean and safe condition.</p> <p>Proposed conservatee attempts to pay his bills, but places written checks with statement and does not mail payment. P.G.&E is threatening to shut off power because of unpaid bills. He makes impulsive purchases when watching television and responds unquestioningly to "investment offers" received in the mail. Recently he agreed to sell some real property for at least \$40,000 less than what it is worth in a transaction where the real estate agent represents both buyer and seller.</p> <p>Court Investigator Julie Negrete filed 03/04/2014.</p>		<p>Court Investigator Advised Rights on 02/18/2014.</p> <ol style="list-style-type: none"> 1. Need proof of personal service at least 5 days before the hearing of <i>Notice of Hearing</i> with a copy of the <i>Petition for Appointment of Temporary Conservator of the Person</i> on the proposed conservatee pursuant to Probate Code § 2250.0(c). 2. Need Bond set at \$712,848.00 and letters to issue. 	
Cont. from					
<input type="checkbox"/>	Aff.Sub.Wit.				
<input checked="" type="checkbox"/>	Verified				
<input type="checkbox"/>	Inventory				
<input type="checkbox"/>	PTC				
<input type="checkbox"/>	Not.Cred.				
<input checked="" type="checkbox"/>	Notice of Hrg				
<input checked="" type="checkbox"/>	Aff.Mail w/				
<input type="checkbox"/>	Aff.Pub.				
<input type="checkbox"/>	Sp.Ntc.				
<input type="checkbox"/>	Pers.Serv.				
<input checked="" type="checkbox"/>	Conf. Screen				
<input checked="" type="checkbox"/>	Letters				
<input checked="" type="checkbox"/>	Duties/Supp				
<input type="checkbox"/>	Objections				
<input type="checkbox"/>	Video Receipt				
<input type="checkbox"/>	CI Report				
<input type="checkbox"/>	9202				
<input checked="" type="checkbox"/>	Order				
<input type="checkbox"/>	Aff. Posting				
<input type="checkbox"/>	Status Rpt				
<input type="checkbox"/>	UCCJEA				
<input type="checkbox"/>	Citation				
<input type="checkbox"/>	FTB Notice				
				<p>Reviewed by: LV</p> <p>Reviewed on: 03/10/2014</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 13B – Snavely</p>	

Age: 12	CRYSTAL LEE ROGALSKY , guardian/maternal grandmother, is petitioner.	NEEDS/PROBLEMS/COMMENTS: 1. Need proof of service fifteen (15) days prior to the hearing of the Notice of Hearing of Petition for Termination of Guardianship on: <ul style="list-style-type: none"> • Paternal Grandparents (Unknown) • Ronald Rogalsky (Maternal Grandfather)
	Father: NIEL E. STONE , served by mail on 01/09/2014.	
Cont. from	Mother: CINDY KAHER , consents and waives notice, served by mail on 01/09/2014	
<input type="checkbox"/> Aff.Sub.Wit.	Paternal Grandparents: Unknown	
<input checked="" type="checkbox"/> Verified	Maternal Grandfather: Ronald Rogalsky	
<input type="checkbox"/> Inventory	Minor: Andrew Stone, served by mail on 01/09/2014.	
<input type="checkbox"/> PTC	Petitioner states: she believes that the minor's mother, Cindy Kaher, is now able to care for him. She has proved to the petitioner that she has provided a home for him and has consistently shown the ability to care for him and his needs. The mother is now married, has a job with the ability to support the child. The mother's has proven that she is now ready to accept all responsibilities.	
<input type="checkbox"/> Not.Cred.	Court Investigator Charlotte Bien's report filed 02/14/2014.	
<input checked="" type="checkbox"/> Notice of Hrg		
<input checked="" type="checkbox"/> Aff.Mail		
<input type="checkbox"/> Aff.Pub.		
<input type="checkbox"/> Sp.Ntc.		
<input type="checkbox"/> Pers.Serv.		
<input type="checkbox"/> Conf. Screen		
<input type="checkbox"/> Letters		
<input type="checkbox"/> Duties/Supp		
<input type="checkbox"/> Objections		
<input type="checkbox"/> Video Receipt		
<input checked="" type="checkbox"/> CI Report		
<input type="checkbox"/> 9202		
<input checked="" type="checkbox"/> Order		
<input type="checkbox"/> Aff. Posting		
<input type="checkbox"/> Status Rpt		
<input type="checkbox"/> UCCJEA		
<input type="checkbox"/> Citation		
<input type="checkbox"/> FTB Notice		
		Reviewed by: LV
		Reviewed on: 03/10/2014
		Updates:
		Recommendation:
		File 14 – Stone

			TEMP EXPIRES 3-11-14	NEEDS/PROBLEMS/COMMENTS:
			IMOGENE M. IPSEN , Maternal Great-Grandmother, is Petitioner.	1. Notice of Hearing filed 2-4-14 indicates that the grandparents were served with Notice of Hearing, but a copy of the petition was not included per Probate Code §1511.
			Father: ROBERT MARTINEZ, JR.	2. Need proof of service of Notice of Hearing with a copy of the petition on Maternal Grandmother Debbie Bass per Probate Code §1511 or consent and waiver of notice or declaration of due diligence.
			- Personally served 1-22-14	
			Mother: BESS A. MARTINEZ	
			- Personally served 1-13-14	
	Aff.Sub.Wit.		Paternal Grandfather: Richard Martinez	
✓	Verified		- Served by mail 1-9-14	
	Inventory		Paternal Grandmother: Linda Martinez	
	PTC		- Served by mail 1-9-14	
	Not.Cred.		Maternal Grandfather: Donnel Cooper	
✓	Notice of Hrg		- Served by mail 1-9-14	
✓	Aff.Mail	w/o	Maternal Grandmother: Debbie Bass	
	Aff.Pub.			
	Sp.Ntc.			
✓	Pers.Serv.	w	Petitioner states the father is incarcerated and the mother is severely addicted to drugs (meth) and is not capable of caring for her daughter as she has voluntarily left the child in Petitioner's care. The mother assaulted her mother and missed her court date in December and there is a warrant out for her arrest. She is also on probation in Kings County due to assault and her drug related history. She is now attempting to take the child and Petitioner is fearful for the child's welfare.	
✓	Conf. Screen			
✓	Letters			
✓	Duties/Supp			
	Objections			
	Video Receipt			
✓	CI Report			
✓	Clearances			
✓	Order			
	Aff. Posting			
	Status Rpt		Court Investigator Dina Calvillo filed a report on 2-27-14.	
✓	UCCJEA			
	Citation			
	FTB Notice			
				Reviewed by: skc
				Reviewed on: 3-10-14
				Updates:
				Recommendation:
				File 16 – Martinez

Petition for Appointment of Temporary Conservator of the Person and Estate

		GENERAL HEARING 4-10-14	NEEDS/PROBLEMS/COMMENTS:
		LETICIA G. RODRIGUEZ , Daughter, is Petitioner and requests appointment as Temporary Conservator of the Person and Estate without bond.	Court Investigator advised rights on 3-3-14.
		Petitioner also requests authority to change the proposed conservatee's residence during the temporary conservatorship to Petitioner's home.	1. Need Notice of Hearing.
<input type="checkbox"/>	Aff.Sub.Wit.	Estimated value of estate:	2. Need proof of personal service of Notice of Hearing with a copy of the temp petition at least five court days prior to the hearing on Proposed Conservatee pursuant to Probate Code §2250(e).
<input checked="" type="checkbox"/>	Verified	Personal property: \$ 101,000.00	3. Need proof of service of Notice of Hearing with a copy of the temp petition at least five court days prior to the hearing on <u>all</u> relatives pursuant to Probate Code §2250(e).
<input type="checkbox"/>	Inventory	Annual income: \$ 10,777.00	4. Petitioner states at #5 that the proposed Conservatee has \$101,000.00 in <u>personal</u> property; however, she then describes that the proposed conservatee's assets consist of two residences, social security, and the rental income from the residences, if any.
<input type="checkbox"/>	PTC	Plus cost of recovery: \$ 11,177.70	Need clarification: Is the \$101,000.00 <u>personal</u> or <u>real</u> property?
<input type="checkbox"/>	Not.Cred.	Bond required: \$ 122,954.70	5. Petitioner requests appointment without bond; however, pursuant to Probate Code 2320(c)(4) and Cal. Rules of Court 7.207, every conservator of the estate must furnish bond including cost of recovery. The bond in this case could be based on income, since real property cannot be sold without Court authorization. Therefore, based on the income listed, bond should be \$11,854.70.
<input type="checkbox"/>	Notice of Hrg	Petitioner states her mother had been residing in her own home with her son Fernando Alvarez Garcia and his girlfriend Pauline Esquire, who were her caregivers. Petitioner states Fernando and Pauline have long histories of substance abuse and Petitioner believes they were stealing from the proposed Conservatee while caring for her. Fernando died in January 2014 and at this time Pauline is refusing to allow the proposed conservatee's other children access to her. APS has become involved on several occasions and recommended that Petitioner file for conservatorship. Attached is a printout from Fresno PD listing the number of visits to the home – it appears police have been called to the home at least 146 times for disturbance calls, homicide, service of warrants, assaults, suicide attempts, and numerous other offenses. Petitioner fears for her mother's safety and requests to immediately move her to her own residence. Petitioner states that in 2010 Petitioner took the proposed Conservatee to her home after she realized her brother and his girlfriend were not properly caring for her; however, Petitioner states APS advised her that she had to return her to her home absent a court order. Petitioner believes Pauline is currently collecting the proposed conservatee's social security income and rental income from another home that she owns that is occupied by another daughter. Petitioner also believes that Fernando and Pauline may have obtained credit in the proposed conservatee's name. Petitioner states there is little estate besides the two residences. There was property in Mexico, but she believes Fernando sold it.	Reviewed by:
<input type="checkbox"/>	Aff.Mail		Reviewed on:
<input type="checkbox"/>	Aff.Pub.		Updates:
<input type="checkbox"/>	Sp.Ntc.		Recommendation:
<input type="checkbox"/>	Pers.Serv.		File 17 – Garcia
<input checked="" type="checkbox"/>	Conf. Screen		
<input checked="" type="checkbox"/>	Letters		
<input checked="" type="checkbox"/>	Duties/Supp		
<input type="checkbox"/>	Objections		
<input type="checkbox"/>	Video Receipt		
<input checked="" type="checkbox"/>	CI Report		
<input type="checkbox"/>	9202		
<input checked="" type="checkbox"/>	Order		
<input type="checkbox"/>	Aff. Posting		
<input type="checkbox"/>	Status Rpt		
<input type="checkbox"/>	UCCJEA		
<input type="checkbox"/>	Citation		
<input type="checkbox"/>	FTB Notice		
		Court Investigator Jo Ann Morris filed a report on 3-4-14.	

1A The Cenci Family Trust (Trust)**Case No. 10CEPR00244****Atty Denning, Stephen M. (for Richard G. Cenci – Petitioner)****Atty Sullivan, Robert L (for Bruce D. Bickel – Trustee)****Atty Tekunoff, Daniel J. (for Maiké Cenci, Spouse of Respondent Herman Cenci)****Atty Motsenbocker, Gary L (for Terese Cenci McGee)****Amended Petition to Enforce Judgment Against Trust Beneficiaries
[Prob. C. 17000, et seq.]**

		NEEDS/PROBLEMS/COMMENTS: <u>Continued from 9-9-13, 10-29-13, 1-17-14</u> Note: Examiner Notes are not provided for this matter. however, the following is provided: Minute Order 12-5-13 (Status Hearing): Mr. Denning advises the Court that he has an outline for a potential settlement. Mr. Sullivan informs the Court that the checks have all gone out and receipts have been returned. Matter set for Settlement Conference/Status Hearing on 1/17/14. If no settlement has been reached in the interim, counsel is to submit their settlement conference statements one week before the next hearing. All matters currently set 1/16/14 are vacated and rescheduled for 1/17/14. Set on 1/17/14 at 10:30am in Dept. 303 for Settlement Conference/Status Hearing. Minute Order 1-17-14 (Status Hearing): The Court orders that the accounting be filed by no later than 2/18/14. Any objections thereto are to be filed by 3/4/14. Counsel are directed to file settlement conference statements along with courtesy copies for the court one week before the hearing. Continued to 3/11/14. Note: First and Final Account and Report of Trustee of the Cenci Family (Bypass) Trust filed 2-18-14 by Richard Cenci is set for hearing on 4-2-14. Objections have been filed by Terese Cence McGee and Herman F. Cenci. <i>Page 1C is Settlement Conference/Status Hearing</i>	
Cont. from 090913, 102913, 011714			
<input type="checkbox"/>	Aff.Sub.Wit.		
<input type="checkbox"/>	Verified		
<input type="checkbox"/>	Inventory		
<input type="checkbox"/>	PTC		
<input type="checkbox"/>	Not.Cred.		
<input type="checkbox"/>	Notice of Hrg		
<input type="checkbox"/>	Aff.Mail		
<input type="checkbox"/>	Aff.Pub.		
<input type="checkbox"/>	Sp.Ntc.		
<input type="checkbox"/>	Pers.Serv.		
<input type="checkbox"/>	Conf. Screen		
<input type="checkbox"/>	Letters		
<input type="checkbox"/>	Duties/Supp		
<input type="checkbox"/>	Objections		
<input type="checkbox"/>	Video Receipt		
<input type="checkbox"/>	CI Report		
<input type="checkbox"/>	9202		
<input type="checkbox"/>	Order		X
<input type="checkbox"/>	Aff. Posting		
<input type="checkbox"/>	Status Rpt		
<input type="checkbox"/>	UCCJEA		
<input type="checkbox"/>	Citation		
<input type="checkbox"/>	FTB Notice		
		Reviewed by: skc Reviewed on: 3-10-14 Updates: Recommendation: File 1A – Cenci	

1A

1B The Cenci Family Trust (Trust)**Case No. 10CEPR00244****Atty Motsenbocker, Gary L (for Terese Cenci McGee – Petitioner)****Atty Denning, Stephen M. (for Richard G. Cenci – Objector)****Petition Requesting Accounting by Trustee of the Cenci Bypass Trust [Prob. C. 16060, 16061, 16062; Evid. C. 452 & 453]**

		TERES CENCI MCGEE is Petitioner.	NEEDS/PROBLEMS/COMMENTS:
		Petitioner requests that RICHARD G. CENCI , Trustee Of the CENCI FAMILY BYPASS TRUST , render an account of his acts and actions of said trust. Petitioner states:	
Cont. from 102913, 011714		1. She is the daughter of the Settlers Herman R. Cenci and Esther C. Cenci and is therefore an interested person.	<u>Continued from 10-29-13, 1-17-14</u> Minute Order 12-5-13 (Status Hearing): Mr. Denning advises the Court that he has an outline for a potential settlement. Mr. Sullivan informs the Court that the checks have all gone out and receipts have been returned. Matter set for Settlement Conference/Status Hearing on 1/17/14. If no settlement has been reached in the interim, counsel is to submit their settlement conference statements one week before the next hearing. All matters currently set 1/16/14 are vacated and rescheduled for 1/17/14. Set on 1/17/14 at 10:30am in Dept. 303 for Settlement Conference/Status Hearing. <i>Page 1C is Settlement Conference/Status Hearing</i>
<input type="checkbox"/>	Aff.Sub.Wit.	2. Richard Cenci, Successor Trustee of the Cenci Family Bypass Trust, has served in that capacity since fall 2010 and has not rendered an account and report in the intervening three years.	
<input type="checkbox"/>	Verified	3. Petitioner requests the Court take judicial notice of all pleadings and proceedings contained in the court record, including but not limited to the multiple and various copies of the Trustors' initial trust and the amendments thereto pursuant to Eid. C. §452.	
<input type="checkbox"/>	Inventory	4. In accord with the provisions of the first amendment to the trust dated 2-18-04, Petitioner requested an account in writing, which was hand delivered to the trustee's attorney on or about 5-8-13. To date, Petitioner has not received acknowledgment of the request or the mandated account in response. Petitioner is entitled to and the trustee is duty bound to render an accounting within 90 days of receipt of written request. As of the filing of this petition, the trustee has refused to render account or respond.	
<input type="checkbox"/>	PTC		
<input type="checkbox"/>	Not.Cred.		
<input type="checkbox"/>	Notice of Hrg		
<input type="checkbox"/>	Aff.Mail		
<input type="checkbox"/>	Aff.Pub.		
<input type="checkbox"/>	Sp.Ntc.		
<input type="checkbox"/>	Pers.Serv.		
<input type="checkbox"/>	Conf. Screen		
<input type="checkbox"/>	Letters		
<input type="checkbox"/>	Duties/Supp		
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<input type="checkbox"/>	Video Receipt		
<input type="checkbox"/>	CI Report		
<input type="checkbox"/>	9202		
<input type="checkbox"/>	Order		
<input type="checkbox"/>	Aff. Posting		
<input type="checkbox"/>	Status Rpt		
<input type="checkbox"/>	UCCJEA		
<input type="checkbox"/>	Citation		
<input type="checkbox"/>	FTB Notice		
		Petitioner request that the Court order that:	
		1. Richard G. Cenci be ordered to render an accounting within 90 days of this hearing;	
		2. For such attorney fees allowed under the law;	
		3. For costs of suit incurred herein; and	
		4. For all other proper relief the Court deems proper under the circumstances.	
		Richard G. Cenci filed his Opposition on 10-24-13. See additional pages.	
			Reviewed by: skc
			Reviewed on: 3-10-14
			Updates:
			Recommendation:
			File 1B – Cenci

1B**Dept. 303, 9:00 a.m. Tuesday, March 11, 2014**

Page 2

Richard G. Cenci states the petition should be denied for the following reasons:

- 1. Petitioner is not a beneficiary to whom income or principal is required or authorized to be currently distributed, and Respondent is not required to account to her. Probate Code §16062.**
- 2. Petitioner did not bring her petition pursuant to §17200(b)(7). *Esslinger v. Cummins, supra*, at page 526.**
- 3. Because Petitioner owes the family trust more than she would reasonably be expected to receive on distribution from it, Petitioner has no relevant interest in the family trust.**
- 4. The probate court has discretion to grant or deny a petition for an order compelling a trustee to account. Because Petitioner committed elder financial abuse and breached her fiduciary duty to her mother that resulted in a significant loss to her, Petitioner has no right to an accounting of the family trust, and because of her actions has no interest in the family trust to protect.**

See Opposition for details.

1C The Cenci Family Trust (Trust)

Case No. 10CEPR00244

Atty Denning, Stephen M. (for Richard G. Cenci – Petitioner)
 Atty Sullivan, Robert L (for Bruce D. Bickel – Trustee)
 Atty Tekunoff, Daniel J. (for Maike Cenci, Spouse of Respondent Herman Cenci)
 Atty Motsenbocker, Gary L (for Terese Cenci McGee)

Settlement Conference / Status Hearing

		NEEDS/PROBLEMS/COMMENTS: Continued from 1-14-14 <u>Minute Order 12-5-13:</u> (Status Re: Amended Petition to Enforce Judgment Against Trust Beneficiaries <u>and</u> Status Re: Petition Requesting Accounting by Trustee of the Cenci Bypass Trust): Mr. Denning advises the Court that he has an outline for a potential settlement. Mr. Sullivan informs the Court that the checks have all gone out and receipts have been returned. Matter set for Settlement Conference/Status Hearing on 1/17/14. If no settlement has been reached in the interim, counsel is to submit their settlement conference statements one week before the next hearing. All matters currently set 1/16/14 are vacated and rescheduled for 1/17/14. Set on 1/17/14 at 10:30am in Dept. 303 for Settlement Conference/Status Hearing. <u>Minute Order 1-17-14 (Status Hearing):</u> The Court orders that the accounting be filed by no later than 2/18/14. Any objections thereto are to be filed by 3/4/14. Counsel are directed to file settlement conference statements along with courtesy copies for the court one week before the hearing. Continued to 3/11/14. <u>Note: First and Final Account and Report of Trustee of the Cenci Family (Bypass) Trust filed 2-18-14 by Richard Cenci is set for hearing on 4-2-14. Objections have been filed by Terese Cence McGee and Herman F. Cenci.</u>
Cont. from 011714		
Aff.Sub.Wit.		
Verified		
Inventory		
PTC		
Not.Cred.		
Notice of Hrg		
Aff.Mail		
Aff.Pub.		
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Citation		
FTB Notice		
		Reviewed by: skc
		Reviewed on: 3-10-14
		Updates:
		Recommendation:
		File 1B – Cenci

1C